

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA FRIDAY, FEBRUARY 19, 2021, 5:30 P.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The public may participate in this open meeting remotely by audio conference through a toll-free number: (877) 226-9790 using the access code 7849516#.

Project No. 50500 - Designation of Electric Providers of Last Resort for 2021 - 2022 Pursuant to 16 Tex. Admin. Code § 25.43 and Submission of LSP EFLs

Project 51812 – Issues Related to the State of Disaster for the February 2021 Winter Weather Event

In accordance with section 551.045 of the Texas Government Code, the Public Utility Commission of Texas is giving notice that it will convene a meeting to address an emergency and urgent public necessity. The Polar Vortex unleashed a polar airmass that settled on much of the Nation and brought historically low temperatures to Texas. This frigid airmass, in combination with other weather systems, produced historically low temperatures, ice storms, and record snow falls. Governor Greg Abbott on February 12, 2021 certified that this severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperature, heavy snow, and freezing rain statewide. To address this threat, the Governor Abbott declared a state of disaster in all 254 counties of Texas and suspended upon his approval regulatory matters that would hinder or delay necessary action to cope with this disaster.

These severe weather events and other events affected many aspects of electric service, including the wholesale price of electricity and the price of natural gas, a major fuel for electric generation. These events resulted in curtailments of the electric-generation fleets committed to the electricity market in the region of the Electric Reliability Council of Texas (ERCOT). The lack of sufficient generation resources caused ERCOT to issue an Energy Emergency Alert 3, resulting in the shedding of customer load. The Commission ordered ERCOT to ensure that ERCOT's scarcity pricing signals properly account for load shedding. Pricing and financial security issues have arisen that could affect the ability of some retail electric providers to continue as viable providers of retail electric service, which could result in a mass transition of retail electric customers to providers of last resort (POLR). Further, the Commission has been informed today that there are meter reading and billing issues that could potentially affect customers. These matters were not reasonably foreseeable and could result in loss of power to customers.

Further, earlier today, Reliant Energy Retail Services LLC submitted a request to be designated a voluntary retail electric provide (VEP). In addition, TXU Energy Retail Company LLC, which was previously designated as a VREP, filed a request to amend its VREP designation to reflect increased customer counts.

The convening of this meeting is necessary to allow the Commission to address the imminent threat to public health and safety due to the potential loss of reasonably priced retail electric service for Texas citizens, the potential for customers to be grossly misbilled, the concern for the viability of electric market participants, and the need to determine the causes of these maladies.

**OPEN MEETING AGENDA
FEBRUARY 19, 2021**

The Commission must determine whether, and if so, in what manner, it should exercise its authority under chapter 39 of the Public Utility Regulatory Act and its rules to ensure that there are a sufficient number of voluntary retail electric providers (VREP) to act as a POLR if a mass transfer of customers is required, whether Commission rules specifying timelines or deadlines must be waived to ensure a sufficient number of VREPS to act as POLRs, whether any existing VREP must modify the number of ESI IDs it is willing to serve, whether any requirements related to the pricing of POLR service must be modified or excused, or whether any other matters related to the provision of POLR service must be addressed or modified to ensure that the citizens of Texas have access to electricity to the greatest extent possible to meet their needs during and after this extreme weather event. Further, the Commission must consider whether, in light of current circumstances, it should delegate authority to its executive director to evaluate and approve matters related to POLR service and under what standards should apply to any such delegation. Further, the Commission must deliberate and discuss whether actions are required, and if so, what action is required, to ensure that fraudulent, unfair, misleading, deceptive, and anticompetitive practices, including protections from billings for services not provided, are not and do occur. And further, the Commission must decide whether, and if so how, it should initiate an investigation into the events that led up to all of the disruptions and performance issues and that are continuing to cause further disruptions and performance issues of the electric market in ERCOT. Without such decisions and actions, the provision of electricity priced at a reasonable level for the citizens of Texas could be imperiled resulting in loss of life or damage to property that otherwise could be prevented and the functioning of the electric market could be seriously harm.

Due to the emergency conditions resulting from this weather disaster declared by the Governor, the Commission cannot wait to act on these reasonably unforeseeable matters, including the loss of electric power, until the Commission's next regularly scheduled open meeting on February 25, 2021. Accordingly, the Commission must meet promptly by telephone conference call to discuss and possibly take action, including the issuance of orders, to ensure that the matters addressed above are timely addressed to prevent further harm and disruptions.

The Commission will take up all issues related to POLR service under Project 50500 -- *Designation of Electric Providers of Last Resort for 2021 - 2022 Pursuant to 16 Tex. Admin. Code § 25.43 and Submission of LSP EFLs.*

All other matters will be taken up under Project 51812 – *Issues Related to the State of Disaster for the February 2021 Winter Weather Event.*

As required by a previous disaster declaration and suspension of open meeting laws by Governor Abbott, The Commission will meet by telephone conference call. The number by which members of the public may make public comments at this meeting will be posted on the Commission's website located at www.puc.texas.gov.